UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,427	01/02/2002	Guenther Heinz	B01-085A	7207

26683 7590 06/17/2005

THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER, CO 80202

EXAMINER	
TRAN, THUY VAN	
ART UNIT	**PAPER NUMBER**
3652	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,427	HEINZ ET AL.	
	Examiner	Art Unit	
	Thuy v. Tran	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) *27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26 and 28-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *October 26, 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

EA

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed October 26, 2004 fails to comply with 37 CFR 1.97(c) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

Note, the "Sizing up V-ribbed Belts" article by Gary Porter, Gates Rubber Company will be cited on PTO-892 by the Examiner in this Office Action.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it should avoid using phrases or words which can be implied, such as, "The invention", etc. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 13-22, 28-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Baranda et al. 6,739,433 B1 (Baranda).

Baranda '433 discloses an elevator lift system comprising a belt having an elastomeric body having a width (w) and a thickness (t) and having a pulley engaging surface having a plurality of ribs with angle of approximately 90°, Fig. 5, wherein the aspect ratio w/t is greater than 1, a plurality of tension cords (96) contained within the body and extending longitudinally, and at least one pulley (98) having a ribbed profile engaged with the pulley engaging surface.

Re. claims 2, 3, 9, 10, 21, 22, 29 and 30, the tensile cords comprise a conductive material (steel) wherein the resistance of the cords vary to indicate the load exerts on the belt.

4. Claims 1-10, 13-22, 25 and 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by "Sizing up V-ribbed Belts" by Gary Porter.

The "Sizing up V-ribbed Belts" article discloses a lift belt (see Figures on page 2) comprising:

an elastomeric body having a width (w) and a thickness (t) and a pulley engaging surface,

the elastomeric body having an aspect ratio w/t that is greater than 1,

a tensile cord contained within the elastomeric body and extending longitudinally,

the pulley engaging surface having a ribbed profile, and

the ribbed profile having a rib with an angle of approximately 90°,

Re claims 13 and 28, the articles also teaches (see page 1) at least one pulley having a ribbed profiled engaged with the pulley engaging surface. Note, with regard to the preamble of claims 13 and 28, respectively, a preamble is generally not accorded any patentable weight where it merely recites the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone.

Re claims 2, 3, 9, 10, 21, 22, 29 and 30, the tensile cords comprise a conductive material (steel) wherein the resistance of the cords vary according to the load exerts on the belt.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-26 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder-Brumloop et al. 6,138,799 in view of Robar et al. 6,633,159.

Schroder-Brumloop '799 discloses an elevator lift system comprising a belt having an elastomeric body having a width (w) and a thickness (t), a pulley engaging surface having a plurality of ribs with angle of approximately 90°, Figs 2 & 4, wherein the aspect ratio w/t is greater than 1, and at least one pulley (36) having a ribbed profile engaged with the pulley engaging surface.

Robar '159 discloses a system for detecting defects in a flat rope having electrically conductive tension cords by measuring resistance values from the cords.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a load detecting system for the lift belt system of Schroder-Brumloop to determine the lift belt condition as taught and suggested by Robar '159.

6. Claims 11, 12, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Sizing up V-ribbed Belts" in view of Robar et al. 6,633,159.

"Sizing up V-ribbed Belts" discloses all the claimed limitations except for having an electrical circuit connected to the tensile cord for measuring/detecting a tensile cord load.

Robar '159 discloses a system for detecting defects in a rope having electrically conductive tension cords by measuring resistance values from the cords.

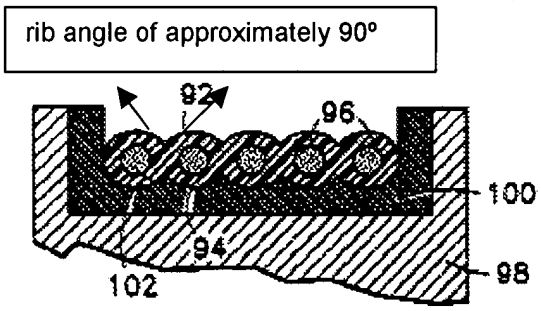
It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a load detecting system for the lift belt system of "Sizing up V-ribbed Belts" to determine the lift belt condition as taught and suggested by Robar '159.

Response to Arguments

Applicant's arguments filed October 26, 2004 have been fully considered but they are not persuasive.

Applicant argues that it is not clear which portion of the tension member of Baranda teaches a rib angle of 90°. A rib angle is an angle forms between two arches.

Applicant argues that Figure 5 of Baranda shows contoured engagement surface comprises a plurality of adjacent round portions and does not teach a ribbed profile having a rib angle of approximately 90°. As broadly claimed, a rib does not require a planar profile.



Applicant argues that S-B reference teaches a belt having teeth, each tooth extending across (or parallel to) the width of the toothed belt 44. Firstly, the claims does not particularly recite whether "a rib with an angle of approximately 90°" relative to the width of the belt or relative to another rib. Secondly, as broadly claimed, at the time the belt engages the pulley (in Figure 4), the ribbed profile clearly shows a V-ribbed belt.

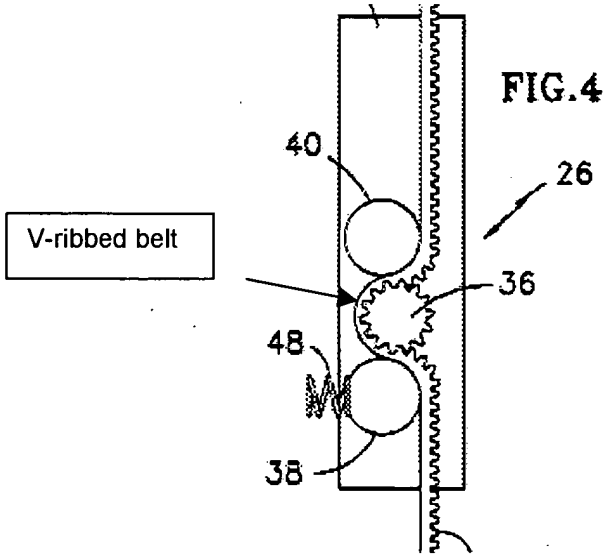


FIG.4

In response to applicant's argument that there are different between a toothed belt and a ribbed belt on page 8, and they are not interchangeable in any type of service, there are no structural different between the ribbed belt claimed and the ribbed belt disclosed in the S-B reference. And it is not clear what applicant meant by "toothed belts and ribbed belts are not interchangeable in any type of service". The S-B clearly shows the ribbed belt is used in the elevator service.

In response to applicant's argument that Robar teaches only a flat belt, not ribs. The Examiner relies only on the teaching of utilizing an electrical circuit connected to the tensile cord for measuring/detecting a tensile cord load, not the belt.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is 571-272-6932. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT (TVT)

EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600